

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

VARRIO SAN MARCOS an unincorporated association;  
JUAN AGUILAR (aka "Mono"); CESAR CERROS (aka  
"Joker"); OSCAR CORREA (aka "Clumz"); ERIC  
DAVILA (aka "Largo"); IVAN DUNAYEVICH (aka  
"Wolfie"); JULIO ENCISO (aka "Sleepy"); CARLOS  
FIGUEROA (aka "Speedy"); JEREMIAH FIGUEROA  
(aka "Gremlin"); ADRIAN GIRON (aka "Tripper");  
CESAR GOMEZ (aka "Boo Boo"); JESSE  
HERNANDEZ (aka "Weasel"); KHONG HOANG (aka  
"Dragon"); RAMON MARTIN (aka "Lil' One");  
ANTONIO MARTINEZ (aka "Scooby"); DANIEL  
MARTINEZ, JR. (aka "Psycho"); CESAR MOEDANO  
(aka "Snoopy"); MARIO MORENO (aka "Moreno");  
WILFREDO OSUNA (aka "Enano"); ANTONIO  
PEDROSA (aka "Smiley"); JOSE PONCE (aka  
"Scarface"); JUAN PRECIADO (aka "Silly  
Boy"/"Toker"); ISMAEL RAMIREZ (aka "Travis");  
JOSEPH SCROFANI (aka "Indio"); CHRISTOPHER  
SELENAK (aka "Boricua"); DAVID TELLO (aka  
"Lonely"); MARK TURRUBIARTES (aka "Lil'  
Psycho"); and DOES 1 through 50,

Defendants.

No. N078777

**JUDGMENT BY COURT  
AFTER DEFAULT**

This cause came on to be heard before the Honorable John Einhorn, Judge  
presiding in Department 18, on November 1, 1999. Deputy District Attorney appeared as  
attorney for plaintiff, the People of the State of California, and it appearing that Defendants:  
JUAN AGUILAR (aka "Mono"); CESAR CERROS (aka "Joker"); OSCAR CORREA (aka

"Clumz"); ERIC DAVILA (aka "Largo"); IVAN DUNAYEVICH (aka "Wolfie"); JULIO ENCISO (aka "Sleepy"); CARLOS FIGUEROA (aka "Speedy"); JEREMIAH FIGUEROA (aka "Gremlin"); ADRIAN GIRON (aka "Tripper"); CESAR GOMEZ (aka "Boo Boo"); JESSE HERNANDEZ (aka "Weasel"); KHONG HOANG (aka "Dragon"); RAMON MARTIN (aka "Lil' One"); ANTONIO MARTINEZ (aka "Scooby"); DANIEL MARTINEZ, JR. (aka "Psycho"); CESAR MOEDANO (aka "Snoopy"); MARIO MORENO (aka "Moreno"); WILFREDO OSUNA (aka "Enano"); ANTONIO PEDROSA (aka "Smiley"); JOSE PONCE (aka "Scarface"); JUAN PRECIADO (aka "Silly Boy"/"Toker"); ISMAEL RAMIREZ (aka "Traviso"); DAVID TELLO (aka "Lonely"); MARK TURRUBIARTES (aka "Lil' Psycho"), and VARRIO SAN MARCOS; having been regularly served with process, having failed to appear and answer the plaintiff's complaint filed herein, and the default of said defendants having been duly entered and evidence having been introduced by way of Declaration to this Court, and further that Defendant Joseph Scrofani (aka "Indio"), having filed an answer to the Complaint, but failing to appear in Court:

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

JUAN AGUILAR (aka "Mono"); CESAR CERROS (aka "Joker"); OSCAR CORREA (aka "Clumz"); ERIC DAVILA (aka "Largo"); IVAN DUNAYEVICH (aka "Wolfie"); JULIO ENCISO (aka "Sleepy"); CARLOS FIGUEROA (aka "Speedy"); JEREMIAH FIGUEROA (aka "Gremlin"); ADRIAN GIRON (aka "Tripper"); CESAR GOMEZ (aka "Boo Boo"); JESSE HERNANDEZ (aka "Weasel"); KHONG HOANG (aka "Dragon"); RAMON MARTIN (aka "Lil' One"); ANTONIO MARTINEZ (aka "Scooby"); DANIEL MARTINEZ, JR. (aka "Psycho"); CESAR MOEDANO (aka "Snoopy"); MARIO MORENO (aka "Moreno"); WILFREDO OSUNA (aka "Enano"); ANTONIO PEDROSA (aka "Smiley"); JOSE PONCE (aka "Scarface"); JUAN PRECIADO (aka "Silly Boy"/"Toker"); ISMAEL RAMIREZ (aka "Traviso"); JOSEPH SCROFANI (aka "Indio"); DAVID TELLO (aka "Lonely"); MARK TURRUBIARTES (aka "Lil' Psycho"); and VARRIO SAN MARCOS and its members, agents, servants and employees, and all persons acting in concert with said defendants **SHALL BE PERMANENTLY ENJOINED FROM** engaging in any of the following activities in the Target Area (bounded by Grandon Avenue between Beverly Place and Via Bella Maria, Via Bella Maria between Grandon Avenue and 1st Street, 1st Street between Via Bella Maria and S. Las Flores Drive, S. Las Flores Drive

1 between 1st Street and Grand Avenue, Grand Avenue between S. Las Flores Drive and S.  
2 Rancho Santa Fe Road, S. Rancho Santa Fe Road between Grand Avenue and Linda Vista Drive,  
3 Linda Vista Drive between S. Rancho Santa Fe Road and Pacific Street, Pacific Street between  
4 Linda Vista Drive and the south east corner of Bradley Park, Bradley Park all inclusive,  
5 including the drainage ditch between the park and the Lake Park Villa condominium complex to  
6 the South, west to S. Rancho Santa Fe Road, S. Rancho Santa Fe Road between Bradley Park and  
7 Rue De Valle, Rue de Valle between S. Rancho Santa Fe Road and Beverly Place, Beverly Place  
8 between Rue De Valle and Grandon Avenue, the Lake Park Villa and Lake Park Terrace  
9 condominium complexes all inclusive,) (See Exhibit A, attached):

10 a. Standing, sitting, walking, driving, bicycling, gathering or appearing anywhere in  
11 public view with any other defendant herein, or with any other known VARRIO SAN MARCOS  
12 member;

13 b. Drinking or possessing alcoholic beverages, using drugs in public, being under  
14 the influence of alcohol or drugs in public;

15 c. Possessing any weapons: knives, clubs, including golf clubs; firearms; baseball  
16 bats; screwdrivers; or any other instrument prohibited by Penal Code Section 12020.

17 d. Engaging in fighting in the public streets, alleys, and/or public and private  
18 property, including Bradley Park;

19 e. Using or possessing marker pens, spray paint cans, nails, razor blades, or other  
20 sharp objects capable of defacing private or public property;

21 f. Spray painting or otherwise applying graffiti on any public or private property,  
22 including but not limited to the street, alley, residences, block walls, vehicles and/or any other  
23 real or personal property;

24 g. Trespassing on or encouraging others to trespass on any private property;

25 h. Blocking the free passage of any person or vehicle on any street, walkway,  
26 sidewalk, driveway, alleyway, or other area of public passage;

27 i. Discharging any firearms;

- 1           j.       In any manner confronting, intimidating, annoying, harassing, threatening,  
2 challenging, provoking, assaulting and/or battering any residents or patrons or visitors to the  
3 Target Area, or any other persons who are known to have complained about gang activities;
- 4           k.       Causing or participating in the use, possession and/or sale of narcotics/drugs,  
5 including marijuana;
- 6           l.       Owning, possessing or driving a vehicle found to have any contraband, drugs, or  
7 illegal or deadly weapons;
- 8           m.       Possessing burglar tools, including rocks, slim jims spark plugs or other devices  
9 capable of being used to break into locked vehicles;
- 10          n.       Signaling to, whistling, or acting as a lookout for other persons to warn of the  
11 approach of police officers;
- 12          o.       Littering in any public place or place open to public view;
- 13          p.       Urinating on any public place or private property open to public view;
- 14          q.       Using words, phrases, physical gestures, or symbols, commonly known as hand  
15 signs or engaging in other forms of communication which describe or refer to the gang known  
16 as VARRIO SAN MARCOS; such as: separating any two fingers to form a “V”, placing elbows  
17 together to form a “V”; placing the hands, with the fingers forming a half-circle, on top of each  
18 other to form the letter “S”; extending and spreading the index, middle and ring finger, upside  
19 down to form an “M”; or any combination listed above;
- 20          r.       Wearing clothing which bears the name or letters of the gang known as VARRIO  
21 SAN MARCOS (VSM), including “VSM”, “SM”, “VSMLS”, “19” “13”, “Ghost Town”, and  
22 “GT”;
- 23          s.       Making, causing, or encouraging others to make loud noise of any kind,  
24 including, but not limited to yelling and loud music at any time of the day or night;
- 25          t.       If under the age of eighteen (18), being in a public place between the hours of  
26 10:00 p.m. on any day, and sunrise of the immediately following day, unless (1) accompanied  
27 by a parent or legal guardian, or by a spouse eighteen (18) years of age or older, or (2)  
28 performing an errand directed by a parent or legal guardian, or by a spouse eighteen (18) years  
29 or older, or (3) returning directly home from a public meeting, or a place of public

1 entertainment, such as a movie, play, sporting event, dance or school, or (4) actively engaged in  
2 some business, trade, profession, or occupation which requires such presence;

3 u. If eighteen (18) years of age or older, being in a public place between midnight  
4 on any day and sunrise of the immediately following day, unless (1) going to/from a legitimate  
5 meeting or entertainment activity, or (2) actively engaged in some business, trade, profession,  
6 or occupation which requires such presence.

7  
8 DATED: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court